



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,353	03/30/2001	Zachariah Cobrinik	7056.026	5341

32361 7590 11/16/2006

GREENBERG TRAURIG, LLP
MET LIFE BUILDING
200 PARK AVENUE
NEW YORK, NY 10166

EXAMINER

HAVAN, THU THAO

ART UNIT	PAPER NUMBER
----------	--------------

3691

DATE MAILED: 11/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/823,353

Applicant(s)

COBRINIK ET AL.

Examiner

Thu Thao Havan

Art Unit

3691

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 50-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 50-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Detailed Action

Election/Restrictions

Applicant's election without traverse of 1-13 and 50-60 in the reply filed on August 15, 2006 is acknowledged.

Claims 14-49 and 61-65 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected group, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on August 15, 2006.

Drawings

The Examiner accepts the drawings filed on March 30, 2001.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims **1-13** and **50-60** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kiron et al. (US 2003/0074293) in view of Groveman et al. (US 7,103,569).

Re claims **1, 6**, and **11-13**, Kiron teaches a method operable on a computer for establishing a derivative financial product (para. 0026: Kiron discloses list derivatives on the securitized open end funds), comprising the steps of:

Art Unit: 3691

storing on computer information defining a collared option hedge product for a selected stock (para. 0063 ; Kiron discloses an index of securitized funds, as well as linked derivative securities including puts and calls, futures, caps and floors, total return swaps, collars, etc);

allocating the collected demand for collared option hedge product amongst a plurality of customers (para. 0021-0037 and 0046; Kiron allocating portfolio value to a fixed number of shares over a predetermined period of time comprised by a real time open ended financial product); and

storing the allocated demand on computer (para. 0041 and 0043; Kiron discloses an electronic database (a "master database") of extensive statistical information stored in a computer).

However, Kiron does not explicitly teach collecting demand for collared option hedge product from a plurality of potential customers. On the other hand, Groveman discloses collecting demand for collared option hedge product from a plurality of potential customers when he discloses the step of determining the best candidates against which puts or calls can be sold (col. 3, lines 31-67). Groveman discloses the steps of enhancing the risk/reward profile of investing in the broader equity market or a particular sector of the market and offers the potential for profit in both rising and falling markets. Thus, it would have been obvious to one of ordinary skill in the art to collect demand for collared option hedge product from a plurality of potential customers when determining the best candidates in relation to options trading including collars as discloses in Groveman.

Re claims **2** and **7**, Groveman teaches product features including a put option strike price, a call option strike price, an active time period and a maximum quantity of stock accommodated by product (fig. 1). Groveman discloses all puts sold the sum of the puts' strike price times its quantity times and the ordinary contract multiplier for an options contract. The strike prices that comprise the basket hedge is preferably made equal to the notional value of the tracking basket.

Re claims **3** and **8**, Groveman teaches demand includes a quantity of stock for investing in collared option hedge product (col. 3, lines 31-39). Groveman discloses a tracking basket of equities is selected using optimization techniques to ensure that the selected stocks (both identity and quantity) satisfy prescribed criterias.

Re claims **4**, **9**, **52**, and **56**, Kiron teaches if the demand for collared option hedge product exceeds the maximum quantity of stock accommodated by product, allocating the availability of the collared option hedge product in accordance with a predetermined plan (para. 0021-0037 and 0046).

Re claims **5**, **10**, **53**, and **57**, Groveman teaches predetermined plan includes diminishing the requested quantity of stock participation in the collared option hedge product for each of plurality of customers by a percentage equal to the percentage by which total demand exceeds the maximum quantity of stock allocated for the collared option hedge product (col. 4, lines 35-48).

Re claims **50**, **54**, and **58-60**, Kiron and Groveman teach a method as claimed in claims 1-2, 6-7, and 11-13. Therefore the rationale applied in the rejection of claims 1-2, 6-7, and 11-13 applies herein.

Art Unit: 3691

Re claim **51** and **55**, Kiron teaches storing on computer for each of plurality of collared option hedge products a close date for allocating demand to product and closing, upon the occurrence of a close date, access to a collared option hedge product (para. 0041 and 0043). Kiron discloses an electronic database (a "master database") of extensive statistical information stored in a computer.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Daughtery, III et al., US 6,263,321

Pushka, US 2002/0103852

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Thao Havan whose telephone number is (571) 272-8111. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished

Art Unit: 3691

applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct-uspto.gov/>. Should you have questions on access to the

Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-

free).



Thu Thao Havan

Art Unit: 3691

11/08/2006